

EXHIBIT

E

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03-md-1570 (GBD)(SN) ECF Case
This document relates to: <i>Thomas Burnett, Sr., et al. v. The Islamic Republic of Iran, et al.</i>	15-cv-9903 (GBD) (SN) ECF Case

DECLARATION OF RAFAELA MARTINEZ

I, Rafaela Martinez, pursuant to 28 U.S.C. § 1746, do hereby declare under penalty of perjury as follows:

1. I am more than 18 years of age and competent to testify in court to the matters stated below. The statements made in this Declaration are based on my personal knowledge unless otherwise indicated.
2. I was a citizen of the United States on September 11, 2001, and remain so today. Attached as Exhibit A to this Declaration is a true and correct copy of my proof of citizenship.
3. On September 11, 2001, I was present at the federal building located at One Bowling Green, New York, when the terrorist attacks of the World Trade Center Towers occurred.
4. At the time of these attacks, I worked for OneSource Energy Services, Inc., and I had been assigned to the Ellis Island account. On the morning of September 11, 2001, I went to work at the federal building at One Bowling Green to assist the OneSource Chief Engineer, Joe Grochowski, with paperwork. Attached as Exhibit B is my proof of presence at Ground Zero.
5. I was doing paperwork for Mr. Grochowski when the attacks began. When the second plane hit the World Trade Center, I became very frightened, and I left the federal building

at One Bowling Green building to get out of the city. However, as I ran to escape from lower Manhattan, I actually came within site of the World Trade Center Towers. I witnessed atrocities beyond the imagination of the average citizen. Attached as Exhibit C to this Declaration is my personal statement detailing my experience on that horrific day.

6. In my attempt to leave the area near the World Trade Center Towers, I became trapped in a cloud of fumes, smoke, and building debris of the collapsing South Tower and then the North Tower. Due to the incredible thickness of the debris cloud, I was unable to breath, I lost consciousness, and I must have fallen to the pavement. When I later awoke, hospital personnel informed me that I had been evacuated to Bayonne Hospital (also known as Bayonne Medical Center), located in Bayonne, New Jersey, after I lost consciousness and collapsed. I later learned from eyewitnesses that I had been transported from the area where I fell unconscious to Battery Park, and then I was transported by boat to Ellis Island. From Ellis Island, I was transported to Bayonne Hospital. I had suffered smoke inhalation injuries, an injury to my right hand, and bruising on both of my legs. I received treatment in Bayonne Hospital for my injuries from September 11, 2001, through September 13, 2001.

7. As a result of these terrorist attacks, I suffered the following specific physical injuries on September 11, 2001: a sprained right hand, leg contusions, asthma, gastroesophageal reflux disease (GERD), post-concussion syndrome¹, hypertension, and chronic obstructive pulmonary disease.

8. My physical injuries required medical attention and hospitalization on September 11, 2001. To this day, I receive ongoing treatment. I regularly see a Cardiologist for my hypertension and coronary artery disease, which required the implantation of a loop recorder in

¹ See the September 8, 2003, letter from Dr. Daniel Kuhn, attached as part of Exhibit D, at pdf page 17.

my heart in 2015. My smoke inhalation injuries caused severe respiratory complications, including asthma and chronic obstructive pulmonary disease. I also must use a Nebulizer.

9. The images of the buildings going up in flames and individuals jumping from the towers continues to haunt me and will for the rest of my life. As a result on my experience on 9/11, I suffered and continue to suffer from Post-Traumatic Stress Disorder, with depression, anxiety and cognitive deficits. I am being treated with psychotherapy, attention and cognition enhancement therapy, and I also take the following medications for my emotional injuries: Lexapro, Ambien and Lorazepam. My emotional trauma from the events of 9/11 is so severe that I have attempted to commit suicide on four separate occasions.

10. Attached herein as Exhibit D to this Declaration is a true and correct copy of my select, relevant medical records related to the treatment that I received for my physical and emotional injuries following the September 11, 2001 terrorist attacks. As part of Exhibit D, I have included an April 22, 2020, letter from the World Trade Center (WTC) Health Program in which they certified that I suffered the following health conditions related to the attacks of 9/11: asthma, gastroesophageal reflux disease (GERD), and a mental health injury.

11. I previously pursued claims (VCF I Claim Number 212-002747; VCF II Claim Number 212-0146810) through the September 11th Victim Compensation Fund (VCF) specifically related to the physical injuries I suffered on September 11, 2001. My initial claim filed with the VCF I was denied as the Special Master concluded that my injuries did not occur within close proximity to Ground Zero at the time of the collapse of the North and South Towers. However, I later refiled my claim for my injuries suffered on 9/11 with the VCF II, and my claim was deemed eligible for compensation.

I declare UNDER PENALTY OF PERJURY that the foregoing is true and correct.

EXECUTED on this 15 day of September 2021.



Declarant, Rafaela Martinez

Exhibit A
Proof of Citizenship
Filed Under Seal
(ECF No. 5716)

Exhibit B

Proof of Presence at Ground Zero



November 17, 2003

To whom it may concern:

This letter is to confirm that on September 11, 2001, Rafaela Martinez was an employee of OneSource assigned to the Ellis Island account. It was previously agreed that she would go to the federal building at One Bowling Green, NY, to assist Joe Grochowski, the OneSource Chief Engineer at Bowling Green, to assist him with paper work. Rafaela was at Bowling Green on 9:30am September 11, 2001. She decided to leave to go home when the first attack on the Trade Centers occurred. It seems she had a difficult time in doing so. When I spoke to her in the Bayonne Hospital, she notified me of her involvement in the incident, how she had some discomfort as result of all the smoke and of her difficulties getting out of New York City.

If any further information is needed, please do not hesitate to contact me at [REDACTED]
[REDACTED]

Sincerely:

A handwritten signature in cursive ink that appears to read "Albert V. Failla".

Albert V. Failla
Vice President Operations

I hereby certify that the facts listed above
are true and correct and that the following
signature is true and correct.

A handwritten signature in cursive ink that appears to read "NILA M. DEL RIO".
(Signature of Notary)A rectangular notary seal containing the date "11/17/03".
(Date)

NILA M. DEL RIO
Notary Public of New Jersey
My Commission Expires
October 20, 2007



November 25, 2003

To whom it may concern:

On September 11, 2001 Rafaela Martinez was working in my office at One Bowling Green. Rafaela left the building right before the towers fell.

Subscribed and sworn before me on 11/25/03
x Joseph S Gochowski Date 11/25/03 x Rafaela Martinez Date 11/25/03
Joseph S Gochowski Rafaela Martinez

NILA M. DEL RIO
Notary Public of New Jersey
My Commission Expires
October 20, 2007

My Commission Expires

Nila M. del Rio Date 11/25/03
(Notary Signature)

October 31, 2003

U.S Department of Justice
Victim Compensation Fund
P.O Box 18698
Washington, D.C 20036-8698

RE: 212-002747

In response to your letter dated **October 21, 2003** Regarding additional information needed to evaluate my claim. Down below please find the names of those who eyewitnesses my arrival by boat from Battery Park to Ellis Island, after being injured at the World Trade Center site on **September 11, 2001**.

Right after, I was transferred to Bayonne Hospital for immediate attention. In addition I've never received any payments from **Workers Compensation, Social Security Administration** or any other disability insurance provider. Thank you in advanced for your attention to this matter.

If you have any questions or need any additional information regarding this matter, please do not hesitate to contact me.

Cordially yours,

Raphael Anthony
Signer

William Rios
Witness

10/31/03
Date

10/31/03
Date

Subscribed and sworn to before me on 10/31/03

10/30/07
My Commission Expires

Nila M. del Rio
(Notary Signature)

10/31/03
(Date)

NILA M. DEL RIO
Notary Public of New Jersey
My Commission Expires
October 20, 2007



United States Department of the Interior

NATIONAL PARK SERVICE
Statue of Liberty National Monument
Liberty Island
New York, New York 10004

IN REPLY REFER TO:
P2617

June 6, 2002

To Whom It May Concern:

The employees of the Statue of Liberty National Monument and Ellis Island Immigration Museum were all deeply impacted by the tragic events of the September 11th attacks on the World Trade Center Towers. Many employees directly witnessed the plane crashes, had loved ones in the immediate area, or gave first aid to more than 200 victims brought to Ellis Island for medical triage and transport. Ms. Rafaela Martinez was one of those victims.

The National Park Service recognized the immediate need of the staff to have on site mental health care and services. A team of six peer counselors arrived at Ellis Island during the first week after the incident and began to meet individually with all employees and conduct several group sessions to explain post traumatic stress and present the variety of professional mental health counseling options available to the staff. This service was offered to all federal employees and our Park concession and contract partners. Ms. Rafaela Martinez was a participant in this program.

The well being of the staff continued to be the top priority of Park Superintendent, Diane H. Dayson who continued the peer counseling, brought in mental health professionals, provided training sessions on security and mental health, and offered human resource assistance to any employee, concession or contractor wishing such assistance.

Ms. Rafaela Martinez is a long time employee of the contract maintenance company One Source and participated in the Park sponsored mental health offerings. She has always been an outstanding worker and trusted asset to the overall performance of the Contract Department. She is a dedicated and hard working member of the overall team here at Ellis Island and we admire her work ethic and always-cheerful attitude that means so much during difficult times such as we are presently in.

Should you have any further questions or concerns regarding Ms. Rafaela Martinez or her important role that she plays within our organization please feel free to contact me at 212-363-3206 X-101.

Sincerely,

Frank W. Mills
Assistant Superintendent

Exhibit C

Personal Statement

December 20, 2019

To: Motley Rice/Attorneys at Law
Att: Claudia Ludden
From: Rafaela Martinez/WTC 9/11/01 Survivor

In response to your phone call on Friday, December 20th. Regarding detailing of my experience, location and dust cloud on that horrific day September, 11 2001. On that day I was at One Bowling Green, New York, NY 10004 doing paperwork for Joe Grochowski, a Chief Engineer for Once Source Coi Inc. at the time. When the second plane hit the tower I got very scared and decided to leave the office. Joe Grochowski were informed of my decision. While I was running, I look up and saw all these people waving their shirts and jumping out like birds to the ground. Minutes later I saw everything changed that when the building splitting in half in a ball of flame. Up to this day that image still in my mind and I can't erase it. While I was trying to get out of the area I got trap with the fumes and debris and all the dust coming at me. I couldn't breathe and got unconscious and I was transported by boat to Ellis Island from Batterie Park.

I was informed of all the details when I went back to work. I also found a ticket attached to my jacket at the Bayonne Hospital to identify the victims. The hospital identified my family late that night. When I arrived to Ellis Island I was transported to Bayonne Hospital. I was diagnosed with smoke inhalation, injury on my right hand and bruises on my legs. When I got out of the hospital I found the identification card show that my blood pressure raised to 160/80. If you have any questions, or need any additional information please contact me.

Truly yours,

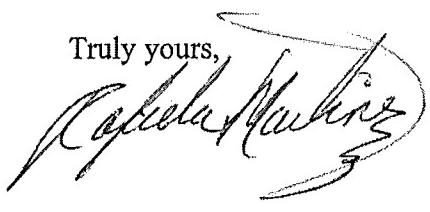


Exhibit D
Medical Records
Filed Under Seal
(ECF No. 5716)